

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

NORMAN W. BERNSTEIN and
PETER M. RACHER, AS TRUSTEES OF
THE THIRD SITE TRUST FUND,

Plaintiffs,

VS.

)
)
)
)
)
)
) CASE NO. 1:08-cv-0427-RLY-TAB
)
)
)
)
)
)
)
)
)
)
)
)

PATRICIA A. BANKERT, individually, and in her capacity as Personal Representative of the Estate of Jonathan W. Bankert, Sr., JONATHAN W. BANKERT, JR., GREGORY BANKERT, ROBERT H. BANKERT, KATHERINE L. BANKERT, CYNTHIA A. RUSSELL, ROCKWOOD INSURANCE COMPANY OF INDIANA, INC. and AUTO-OWNERS MUTUAL INSURANCE COMPANY,


Defendants.

**ORDER OF DISMISSAL OF ROCKWOOD
INSURANCE COMPANY OF INDIANA**

Plaintiffs, Norman W. Bernstein and Peter M. Rancher, as Trustees of the Third Site Trust Fund, pursuant to Federal Rule of Civil Procedure 41(a)(2), have moved to dismiss Defendant Rockwood Insurance Company of Indiana (“Rockwood”) only, from this action, with prejudice, and to dismiss Rockwood’s Cross Claim, with prejudice, and the Court having examined said Motion and being duly advised now finds that said Motion is meritorious and should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, that
Defendant Rockwood is hereby dismissed from this action, with prejudice, and
Rockwood's Cross Claim is dismissed with prejudice. Each party is to bear its own
costs. Plaintiffs' claims as to other defendants continue.

Dated: 12/22/2009



RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

Copies to:

George M. Plews
Frederick D. Emhardt
Jonathan P. Emenhiser
PLEWS SHADLEY RACHER & BRAUN LLP
1346 North Delaware Street
Indianapolis, IN 46202-2415

Barry C. Cope
James P. Strenski
BINGHAM MCHALE LLP
10 West Market Street
Market Tower, Suite 2700
Indianapolis, IN 46204

S. Gregory Zubek
WHITHAM HEBENSTREIT & ZUBEK
151 North Delaware Street
Suite 2000
Indianapolis, IN 46204

David L. Taylor
Jeffrey W. Ferrand
JENNINGS TAYLOR WHEELER & HALEY, P.C.
Suite 250
11711 North Pennsylvania Street
P.O. Box 1710
Carmel, IN 46082-1710

John A. Yeager
Leon J. Letter
WILLINGHAM & COTE' P.C.
333 Albert Avenue, Suite 500
East Lansing, MI 48823
Willis E. Huiras
DAVIS & SARBINOFF LLP
9000 Keystone Crossing, Suite 600
Indianapolis, Indiana 46240

Danford R. Due
Scott E. Andres
DUE DOYLE FANNING & METZGER, LLP
900 Circle Tower Building
55 Monument Circle
Indianapolis, Indiana 46204-5900